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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/840,282 | 04/23/2001 | Gabor Lederer | GL5 | 3280 |

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| EXAMINER |
|---|
| VO, TUYET THI |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2821 | |

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/840,282 | LEDERER, GABOR | |
| | Examiner | Art Unit | |
| | Tuyet Vo | 2821 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *13 February 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *9 and 10* is/are allowed.

6)☒ Claim(s) *1-8 and 11-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

# Detailed Action

Applicant's amendment filed February 13, 2003 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 5-8, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Horowitz (US Pat. 6,053,622).

Regarding claim 1, Horowitz discloses a device for electrically lighting a ceremonial display of individually visible separate lights (14a-14i) of a ceremonial display member (10) in a specifically desired sequence and number at specific time (columns 1 and 2), the device comprises an electronic timer (130) coupled with pre-assignment sequence circuitry means (100) adapted to remember and effect the lighting of individually visible lights, as desired, in a proper form, number and sequence, in a display of individual lights suitable for a holiday, event or occasion for which a sequential timed light display is desired (col. 6, lines 58-67 and col. 7, lines 1-30).

Regarding claims 4 and 5, Horowitz discloses substantially the claim invention as noted above and further extends the capability of a microprocessor being programmed for more option to an user, in that the user can select either a certain lighting manner via an external input or without any external intervention so as the lighting device can be independently operated candles

in sequence (col. 1, lines 13-30, lines 53-60 and col. 7, lines 47-60), wherein the lighting device is powered by a battery or by AC outlet power (col. 2, lines 5-9).

Regarding claims 6 and 7, Horowitz discloses substantially the claim invention and further discloses the lighting device comprising a timing circuit (37) and a micro-processor (50) which controls lighting sequence of lighting device, thus, the micro-processor inherently includes a lighting generator associated with the timer for generating the lighting pattern at desired time (col. 4, lines 56-68 and col. 7, lines 1-31).

Regarding claim 8, Horowitz discloses substantially the claim invention and further discloses the lighting device comprising a micro-processor functioning as a sequence of event generator which includes controller, a driver circuit, a clock generator, a memory means and power management circuitry, wherein the clock generator is linked to the sequence of events generator to provide a timing function and to contain lighting and sequence requirements and the power management circuitry is adapted to manage battery power by shutting down the unused sections of the controller and driver circuitries to save power consumptions when not need (col. 2, lines 1-10).

Regarding claims 11 and 12, Horowitz further discloses a menorah having eight/seven individual lights (17b-17i) are lighted up over a period of eight/seven days in a manner similarly to the claim invention (col. 1, lines 13-30).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2, 3 and 13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Horowitz in view of Lowe et al. (US Pat. 6,424,096), hereinafter Lowe.

Horowitz discloses substantially the claim invention as noted above in that the device is programmed to effect lighting of lights in a predetermined sequence and number over a period of a pre-selected number of days (col. 7, lines 3-18). However, Horowitz does not disclose a plurality of light sets of a lighting display member, wherein each light set comprises at least two light sources.

Lowe discloses a lighting circuit for Christmas lights comprising a plurality of light sets (light string #1-4), wherein each light set comprises at least two light sources (Fig. 2).

It would have been an obvious to one having ordinary skill in the art at the time the invention was made to utilize the light sets as taught by Lowe into the Horowitz ceremonial lighting circuit in order to maximize lighting effect at desired manner for visualizing purpose. Such implementation is considered as a routine skill in the art.

***Allowable Subject Matter***

5. Claims 9 and 10 are allowed.

6. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to include a reset circuit linked to the sequence of events generator for resetting the missing event by restoring the device to a correct desired lighting sequence as required in claim 9.

***Citation of pertinent prior art***

8. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Tal et al. (US Pat. 6,491,516) discloses active Hanukkah candelabrum.

Goldman (US Pat. 5,881,482) discloses display having selectable simulated illuminating means.

## Correspondence

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyet Vo whose telephone number is 703 306 5497. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 703 308 4856. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308 7722 for regular communications and 703 308 7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

Tuyet Vo
April 02, 2003

Don Wong
Supervisory Patent Examiner
Technology Center 2800